

JUN 16 2004

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Harry R. Howard, Jr. et al.

Examiner: Richard L. Raymond

Serial No: 10/075,849

Art Unit: 1624

Filed: February 13, 2002

Docket: 16127 (PC11838A)

For: COMBINATION TREATMENT FOR
SLEEP DISORDERS INCLUDING
SLEEP APNEA

Dated: June 7, 2004

Confirmation No.: 9026

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**SPECIES ELECTION UNDER 37 C.F.R. §1.46 AND
AMENDMENT UNDER 37 C.F.R. §1.111**


Sir:

In response to the Official Action dated December 5, 2003, applicants elect, for prosecution on the merits in the event that a generic claim is not deemed patentable, the species 2-(3,4-dichlorophenoxy)-5-fluorobenzyl-methylamine. Applicants submit that Claims 1-3, 5, 19-23, 25-28 and 30 read on this species. This election is made with traverse.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on June 7, 2004.

Dated: June 7, 2004


Marvin Bressler

In further response to the Official Action, please amend the above-identified application as follows: